

CITY AND COUNTY OF SAN FRANCISCO 2018 - 2019 CIVIL GRAND JURY



FOR IMMEDIATE RELEASE

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*** PRESS RELEASE ***

Increasing Public Accountability

San Francisco, CA, July 17, 2019 – The function of the Civil Grand Jury (CGJ) is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. The Findings of these investigations are conveyed to the public in annual reports that also provide Recommendations for subsequent action. The government agency or agencies identified in each report Recommendation are then required to respond in prescribed ways, indicating their intentions and plans regarding its implementation. Public awareness is a key factor in facilitating action on the issues identified, and hence in the success of the Civil Grand Jury process. We communicate our findings to the press in order to widen public awareness and enhance our watchdog function.

The Continuity Committee of the 2018-2019 CGJ examined past CGJ reports and the status of the responses to their Recommendations. The Committee found that the responses to two specific prior reports were inadequate in ways that could have significant consequences for the people of San Francisco:

1. 2015-2016 CGJ Report: *San Francisco Crime Lab: Promoting Confidence and Building Credibility*

Over the several years prior to this investigation, the credibility of the San Francisco Police Department (SFPD) Criminalistics Laboratory (Crime Lab or the Lab) had been marred by scandals related to the dismissal of over 700 drug cases. These issues resulted in a lack of trust in data generated by the Lab. The report by the 2015-2016 Civil Grand Jury recommended, based on discussion and agreement among all the stakeholders of the Lab including SFPD, that an outside forensic expert agreeable to all stakeholders be engaged to review its policies and procedures and determine appropriate remedial measures (Recommendation R.F.2). It was further recommended (R.F.3) that the expert(s) be engaged based on trustworthiness to all stakeholders rather than by bid for lowest price.

In its response to R.F.2, the SFPD made contradictory statements: that the Recommendation had been implemented, and that no bids had been received in response to their solicitation. In its response to R.F.3, the SFPD further stated that it had gone to great lengths to accomplish the engagement but failed to describe adequately what it had done.

The result, in any case, was that no expert was engaged, and no review was performed. The 2018-2019 CGJ recommends that the SFPD resubmit its responses to provide full clarification and re-examine the possibilities for carrying out the original Recommendation.

2. 2016-2017 Report: *The SF Retirement System - Increasing Understanding and Adding Voter Oversight*

The 2016-17 San Francisco Civil Grand Jury investigated the fiscal status of the City's Retirement System and concluded that it threatens the financial future of the City, due to an unfunded liability of \$5.81 billion. According to the Pension Plan Funding Level posted on the City Performance Scorecard website, the San Francisco Employee Retirement System (SFERS) has not been fully funded since 2009.

San Francisco taxpayers are responsible for meeting the obligations of the Retirement System, including any unfunded liability.

The fiduciary responsibility of the Retirement Board to the beneficiaries supersedes any responsibility to the citizens and voters of San Francisco.

The 2016-2017 CGJ recommended that a permanent Retirement System Oversight Committee be formed to develop a comprehensive, long-term solution for the Retirement System that is fair to both employees and taxpayers and present it to the voters in a ballot proposition by 2018. This Recommendation (R2.1) was rejected as being unwarranted or unreasonable, with the following statements included in their responses:

Mayor's response: "The city already has a Retirement Board which functions as oversight for the Retirement System."

BoS response: "The Mayor and BoS have oversight over the Retirement System and review projections regularly..."

The 2018-2019 CGJ feels that the responses muddled the concepts of investment oversight, fiduciary responsibility, and accountability to the voters and taxpayers. The CGJ recommends reconsideration and resubmission of the responses.

In the process of examining the Recommendations of past Civil Grand Jury reports and the responses to them, the Continuity Committee identified several shortcomings in the internal San Francisco Civil Grand Jury process itself. The 2018-2019 Continuity report includes several Recommendations for remedial action and legislative assistance, to reduce duplicative input, facilitate timely follow-up, and assure both compliance with the Penal Code and completion of implementation of report Recommendations.

Civil Grand Jury reports may be viewed online at <http://civilgrandjury.sfgov.org/report.html>.

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